

EXHIBIT 13

In The Matter Of:

HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

MARX, MATTHEW - Vol. 1

November 15, 2013

MERRILL CORPORATION

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1 that collaboration potentially have adverse effects
2 for consumers?

3 MR. HARVEY: Objection as to form.

4 THE WITNESS: Possibly.

5 MR. PHILLIPS: Q. So it's not in fact the
6 case that -- strike that.

7 So one of the results of an
8 anti-solicitation agreement of the type that you
9 talk about in your reports might be to ensure that
10 the collaborators can use their best employees in
11 the collaboration without fear of having them
12 poached; correct?

13 MR. HARVEY: Objection as to form.

14 THE WITNESS: That could be one reason.

15 MR. PHILLIPS: Q. And that would
16 potentially make the collaboration more successful;
17 correct?

18 MR. HARVEY: Objection as to form.

19 THE WITNESS: It could, though there are
20 other means by which they could achieve that end.

21 MR. PHILLIPS: Q. And if this
22 collaboration were successful, it might generate
23 more benefits for consumers; correct?

24 MR. HARVEY: Objection as to form.

25 THE WITNESS: It might, or it might

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1 generate private benefits for the company.

2 MR. PHILLIPS: Q. Or both; correct?

3 MR. HARVEY: Objection as to form.

4 THE WITNESS: Or both.

5 MR. PHILLIPS: Q. And it might even, for
6 example, generate additional jobs; correct?

7 MR. HARVEY: Objection as to form.

8 THE WITNESS: I don't know. I don't have
9 a strong opinion on that.

10 MR. PHILLIPS: Q. Well, if, for example,
11 the collaboration resulted in creating a product
12 that was particularly appealing to consumers, might
13 not there be more jobs created for people to
14 actually make that product?

15 MR. HARVEY: Objection as to form.

16 THE WITNESS: Oh, so you are saying if, in
17 the long run, if the collaboration caused the
18 company to perform better, might that mean -- well,
19 it would mean a lot of -- there could be a lot of
20 outcomes. The company could potentially do better.

21 MR. PHILLIPS: Q. And create more jobs;
22 right?

23 A. That could be an outcome.

24 Q. So an anti-solicitation agreement in
25 connection with a technical collaboration, can be --

1 CERTIFICATE OF REPORTER

2 I, SARAH LUCIA BRANN, a Certified
3 Shorthand Reporter, hereby certify that the witness
4 in the foregoing deposition was by me duly sworn to
5 tell the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken in
8 shorthand by me, a disinterested person, at the time
9 and place therein- stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 That before completion of the deposition,
14 review of the transcript [X] was [] was not
15 requested. If requested, any changes made by the
16 deponent (and provided to the reporter) during the
17 period allowed are appended hereto.

18 I further certify that I am not of counsel
19 or attorney for either or any of the parties to the
20 said deposition, nor in any way interested in the
21 event of this cause, and that I am not related to
22 any of the parties thereto.

23 DATED: November 20, 2013

24 Sarah Lucia Brann

25 SARAH LUCIA BRANN, CSR No. 3887